IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT (Lodg.) NO. 2292 OF 2007

M/s. Bhagyalaxmi Builders and Developers. .. Plaintiffs

V/s.

M/s. Prabhakar Kunte Co-op.
Hsg.Soc.Ltd. & Ors. .. Defendants.

Mr. Akhilesh Dubey i/b. M. Tripathi & Co. for the Plaintiff.
Mr. Yadunath Chaudhari for the Defendant 1.

CORAM : DR. D.Y. CHANDRACHUD,J.

14TH DECEMBER 2007.

P.C. :-

. Counsel appearing on behalf of the Plaintiffs seeks the permission of the Court to withdraw the suit since admittedly notice under Section 164 of the Maharashtra Co-operative Societies Act, 1960 was not served, and with liberty to file a fresh suit after service of a notice as required by law.

2. The suit is dismissed as withdrawn with liberty as prayed. However, all the rights and contentions of the Defendants including in respect of the maintainability of the proceedings are kept open.

3. Refund of Court fees, if any, as per rules.